

BEFORE THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION NO.523 OF 1995.

Date of Decision:-22-1-1996.

For Approval and Signature

THE HON'BLE MR. JUSTICE N.N. MATHUR.

1. Whether Reporters of Local Papers may be allowed to see the Judgment ? No.
2. To be referred to the Reporters or not? No.
3. Whether their Lordships wish to see the fair copy of judgment? No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ? No.
5. Whether it is to be circulated to the Civil Judges ? No.

Mr. Trushar Mehta, Advocate, for the petitioners.
Miss Harsha Devani, A.G.P. for the respondents no.1 and
Mr. S.K. Zaveri with Mr. Kalpesh S. Zaveri,
Advocate, for the respondents no.3 and 4.

Coram:-N.N Mathur, J.

Date:-22-1-1995.

Oral Judgemnt:-

In this Special Civil Application the petitioner has challenged the notification dated 7-4-1994. It is not in dispute that the petitioner has challenged the said notification by way of the Revision Application before the State Government u/s 48 of the Gujarat Agricultural Produce Markets Act, 1963. It is stated by Mr. Trushar Mehta, learned Advocate for the petitioner that the said Revision Application was filed by the other Traders. However, subsequently the petitioner has joined. Be that as it may, the said Revision Application

has been rejected by the State Government and the same has not been challenged.

2. Mr. Mehta, however, submits that the petitioner may be allowed two years time to shift to the new Market Yard. Mr. S.K. Zaveri, learned Advocate for the respondents nos.3 and 4 has strongly opposed this prayer. He, however, submits that he has no objection if reasonable time of two or three months is given.

3. Considering the facts of the case, the petitioners are allowed to shift to the new market yard provided they obtain the requisite licence under the provisions of the Gujarat Agricultural Produce Markets Act, 1963 and furnish undertaking in favour of the Secretary, Agricultural Produce Market Committee, Patan that they will shift to the new Market Yard within a period of six weeks from today. In view of this, this Special Civil Application is rejected, as indicated above. Rule is discharged. Interim Relief is vacated.

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